



## DECLARATION OF CYNTHIA DEVON HENRY

---

I, Cynthia Devon Henry, being more than age eighteen and competent to testify about the matters contained herein, hereby declare and state as follows upon personal knowledge and information:

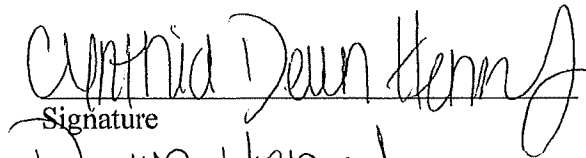
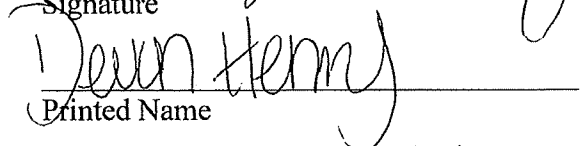
1. I am currently employed as an Assistant Store Manager (“ASM”) at Kroger Store No. 408. I have been in this role since January 2018. I have worked for Kroger since 2008.
2. Store 408 has three ASMs. I am currently the ASM in charge of operations. One of the other ASMs is in charge of merchandise; the third ASM is in charge of human resources.
3. As the operations ASM, I am in charge of food safety. I make sure we follow all of the processes that the health department, and a third-party auditor—EcoLab—will come in to evaluate. If the health department or EcoLab identifies issues we need to fix, I am in charge of making sure the appropriate changes are implemented. I walk through all of the departments each day to make sure we are compliant with Kroger standards and applicable food safety regulations. My food safety tasks on this walk include checking temperature logs, checking dates on produce, making sure we are using EcoLab-approved chemicals, and checking sanitation (making sure the meat slicer is clean, making sure associates wear hair nets, making sure the coolers are clean, etc.).
4. As the operations ASM, I am responsible for limiting shrink. Shrink is any product that is brought in to the store that is not sold (in other words, product that is stolen or has to be thrown away). To prevent theft, I make sure certain items (like expensive items) are in safer cases or spider wrap that will set off an alarm if they are stolen.
5. To prevent shrink, I make sure markdowns are done. I review the weekly over and under delivery report, which tells us the three biggest areas for improvement in each department. Each week, I review the report with each department head and try to coach them on ways to improve. I walk the coolers to evaluate our current inventory and make sure we are getting product out before it goes bad.
6. Kroger sends our store a proposed budget. Each week, I review and edit the budget. In making edits to the budget, I consider whether there are any local events (such as a festival or a snowstorm) that may impact demand. I also consider sales trends and whether our customers are trending up or down. Each day, I write down our volume of sales, our number of pick-up orders, and any notes for the day that will put those numbers in context (like whether one day was the first day of school). I use my own judgment, and rely on my experience in the grocery industry, when making edits to the budget.

7. Once I make the budget, it forecasts hours for the store. The department heads prepare the schedules, but I review them to make sure our hours are aligned with the forecast.
8. One of our associates, the DSD receiver, checks in vendors at the back door. She reviews vendor invoices and makes sure they accurately reflect what the vendor is bringing in to the store. She also processes invoices and requests credits for product when appropriate. I audit this associate's work to make sure our store is getting what it is paying for.
9. I have authority to discipline associates. I have written up associates for things like uniform policy violations, non-compliance with COVID-safety regulations, theft, and violations of food safety standards. I also have authority to suspend associates pending a union investigation, which is the highest form of discipline we can issue to our union associates. I have suspended multiple associates pending a union investigation as an ASM, and most of these associates have ultimately been terminated. New associates who have not been with the company for sixty-days are not yet members of the union and can be terminated without the grievance procedure. I have terminated multiple associates during this sixty-day probationary period.
10. I have authority to hire associates, and I have hired associates at my store. From 2018 to 2020, I was the HR ASM. During the first several months of my employment as the HR ASM, I did all the hiring for the store. After a while, we hired an Associate Resource Manager ("ARM") who is responsible for finding candidates, scheduling interviews, and conducting the initial interview. After we hired an ARM, my interviewing duties decreased, though I still interviewed and hired candidates. Because I am now the operations ASM, interviewing is not part of my regular duties, though I still have authority to hire candidates.
11. When the store manager is out of the store, I am in charge. I make managerial decisions for the store and solve problems that may arise. For example, today I decided to close the deli due to the number of associates who called off. I also make decisions about where to assign associates and what they should do (this is part of my job generally, but I do it more when I am in charge of the store). Most days I work, there is a period of time when I am in charge of the store—I work all of my store manager's off days, and our schedules typically do not overlap completely on days we both work.
12. When needed, I perform hourly tasks like bagging groceries, stocking, and cashiering. I only perform these duties when we are busy and I am not able to find an associate to perform them. If the front-end is backed up, I may hop in to bag groceries or cashier for 10-15 minutes until we are not as backed up. On a typical week, I probably spend fewer than five hours performing these types of hourly duties. However, I am always managing, and I remain responsible for the whole

store even when I am bagging groceries. When I am bagging groceries, if an issue arises that requires a manager, I will (and have) stopped bagging to address the issue.

13. I have reviewed all of the typewritten text in this document.
14. I acknowledge that I have provided this declaration of my own free will, that I was not under any obligation to do so, and that I was not pressured to do so by any individual or entity.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
Signature  
  
Printed Name

Executed on this 11 day of October, 2021.